

HOUSE No. 610

By Mr. Patrick of Falmouth, petition of Matthew C. Patrick for legislation to further regulate the penalties for persons convicted of certain sexual offenses. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO CERTAIN SEXUAL CRIMES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 265 of the General Laws is hereby amended by striking
2 out section 22 and inserting in place thereof the following
3 section:—

4 Section 22. (a) Whoever has sexual intercourse or unnatural
5 sexual intercourse with a person, and compels such person to
6 submit by force and against his will, or compels such person to
7 submit by threat of bodily injury and if either such sexual inter-
8 course or unnatural sexual intercourse results in or is committed
9 with acts resulting in serious bodily injury, or is committed by a
10 joint enterprise, or is committed during the commission or
11 attempted commission of an offense defined in section fifteen A,
12 fifteen B, seventeen, nineteen or twenty-six of this chapter,
13 section fourteen, fifteen, sixteen, seventeen or eighteen of chapter
14 two hundred and sixty-six or section ten of chapter two hundred
15 and sixty-nine shall be punished by a term of imprisonment in the
16 state prison for not less than ten years or any term of years, or life
17 imprisonment. No sentence imposed under the provisions of this
18 section shall be for less than a mandatory minimum term of
19 imprisonment of ten years.

20 Any person convicted of said crimes who serves two thirds of
21 their sentence is eligible for life-time, intensive parole which shall
22 include unannounced visits for counseling, random drug testing,

23 polygraph testing, electronic monitoring and other aspects of
24 intensive supervision.

25 No person serving a sentence shall be eligible for furlough,
26 temporary release, or education, training or employment programs
27 established outside a correctional facility.

28 (b) Whoever has sexual intercourse or unnatural sexual inter-
29 course with a person and compels such person to submit by force
30 and against his will, or compels such person to submit by threat of
31 bodily injury, shall be punished by a term of imprisonment in the
32 state prison for not less than 10 years or any term of years, or life
33 imprisonment and whoever commits a second or subsequent such
34 offense shall be punished by imprisonment in the state prison for
35 life without parole.

36 Whoever commits any offense described in this section while
37 being armed with a firearm, rifle, shotgun, machine-gun or assault
38 weapon, shall be punished by a term of imprisonment in the state
39 prison for not less than 15 years or any term of years or life
40 imprisonment. Whoever commits a second or subsequent such
41 offense shall be punished by imprisonment in the state prison for
42 life without parole.

43 Any person convicted of said crimes who serves two thirds of
44 their sentence is eligible for life-time, intensive parole.

45 No person serving a sentence shall be eligible for furlough,
46 temporary release, or education, training or employment programs
47 established outside a correctional facility.

48 Chapter 265: Section 22A Rape of child; use of force; weapons;
49 punishment

50 Section 22A. Whoever has sexual intercourse or unnatural
51 sexual intercourse with a child under sixteen, and compels said
52 child to submit by force and against his will or compels said child
53 to submit by threat of bodily injury, shall be punished by a term of
54 imprisonment in the state prison for not less than fifteen or any
55 term of years, or life imprisonment; provided, however, that a
56 prosecution commenced under the provisions of this section shall
57 not be placed on file or continued without a finding.

58 Whoever commits any offense described in this section while
59 armed with a firearm, rifle, shotgun, machine gun or assault
60 weapon shall be sentenced to the state prison be punished by a

61 term of imprisonment in the state prison for not less than seven-
62 teen years or any term of years, or life imprisonment.

63 Whoever commits a second or subsequent such offense shall be
64 punished by imprisonment in the state prison for life without
65 parole.

66 Any person convicted of said crimes who serves two thirds of
67 their sentence is eligible for life-time, intensive parole.

68 No person serving a sentence shall be eligible for furlough,
69 temporary release, or education, training or employment programs
70 established outside a correctional facility.